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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,358	12/07/2001	Christian Ostergaard	367.40826X00	7880

20457 7590 07/15/2004

ANTONELLI, TERRY, STOUT & KRAUS, LLP  
1300 NORTH SEVENTEENTH STREET  
SUITE 1800  
ARLINGTON, VA 22209-9889

EXAMINER

PESIN, BORIS M

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/005,358

Applicant(s)

OSTERGAARD ET AL.

Examiner

Boris Pesin

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 7, 8, 10, 14, 16, 18, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Microsoft Windows NT (Recycle Bin).

In regards to claim 1, Microsoft teaches a recovery management terminal for handling deleted items in a communication unit, where said recovery management terminal includes: representing means for displaying the deleted items in a hierarchical memory structure including additional information about said deleted item (See Figure 1, Element 1), recovering means to recover said deleted item from the hierarchical memory structure of deleted items and to relocate the link to said deleted item to its original location before deletion from the memory position in which the deleted item is stored (See Figure 2, Element 1), recovering means for establishing a link from the memory position in which the deleted item is stored to a new location (it is inherent in Windows NT that when the file is recovered, it is a linked from the old position the new position), and user interface means for enabling manipulation of the deleted items menu (See Figure 1).

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In regards to claim 3, Microsoft does not specifically teach a recovery management terminal for handling deleted items in a communication unit according to claim 1 characterized in that the deleted items are SMS, ringing tones, phone book entries, calendar entries, pictures, bookmarks, user actions, settings set, renaming, phonebook editing, smileys, e-mail, voice memos, voice tags, games, operator icons picture and profiles. However, it is inherent that Microsoft allows for this functionality because SMS, ringing tones, phone book entries, calendar entries, pictures, bookmarks, user actions, settings set, renaming, phonebook editing, smileys, e-mail, voice memos, voice tags, games, operator icons picture and profiles are all types of data and Windows is able to handle various types of data.

In regards to claim 7, Microsoft teaches a recovery management terminal for handling deleted items in a communication unit characterized in that the additional information about said deleted item includes name, item type, deletion time, deletion date and a link to the location in the communication unit/ SIM card/ external device from where said deleted item was deleted (See Figure 1).

Claim 8 is in the same context as claim 1; therefore it is rejected under similar rationale.

Claim 10 is in the same context as claim 3; therefore it is rejected under similar rationale.

Claim 14 is in the same context as claim 7; therefore it is rejected under similar rationale.

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Claim 16 is in the same context as claim 1; therefore it is rejected under similar rationale.

Claim 18 is in the same context as claim 3; therefore it is rejected under similar rationale.

Claim 19 is in the same context as claim 7; therefore it is rejected under similar rationale.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2, 9, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Windows NT in view of Skopp et al. (US 6256739).

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In regards to claim 2, Microsoft teaches all the limitations of claim 1. They do not teach a recovery management terminal for handling deleted items in a communication unit characterized in that the recovery management terminal can be turned off so that all deleted items are permanently deleted. Skopp teaches, "The shutdown procedure also calculates whether an advertisement should be permanently removed from that client's advertisement index. If required, the PCPD 330 can instruct the client access control application 210 to disable the particular advertisement in the index." Column 10, Line 23). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Windows NT with the teachings of Skopp and include a method to delete a selection of files on shutdown with the motivation to conserve memory space.

Claim 9 is in the same context as claim 2; therefore it is rejected under similar rationale.

Claim 17 is in the same context as claim 2; therefore it is rejected under similar rationale.

Claims 4, 5, 6, 11, 12, 13, 15, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Windows NT in view of Helferich (US 6636733).

In regards to claim 4, Microsoft teaches all the limitations of claim 1. Microsoft does not teach a recovery management terminal for handling deleted items in a communication unit characterized in that the recovery management terminal can be set to automatically delete the hierarchical memory structure when the available memory is

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used. Helferich teaches, "The present invention provides a system for deleting messages when memory is full but the deleted or over written messages may be again received and stored by the mobile telephone 10 as will be described hereinafter."

Column 8, Line 59). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Windows NT with the teachings of Helferich and include a method to automatically delete files when available memory is full with the motivation to provide the user with free memory space in order to make it easier to save other files.

In regards to claim 5, Microsoft teaches all the limitations of claim 1. Microsoft does not teach a recovery management terminal for handling deleted items in a communication unit characterized in that the recovery management terminal can be set to automatically delete the hierarchical memory structure at certain interval. Helferich teaches, "paging devices automatically delete the oldest read message in order to make room in memory for a newly received message." Column 8, Line 54).

In regards to claim 6, Microsoft teaches all the limitations of claim 1. Microsoft does not teach a recovery management terminal for handling deleted items in a communication unit, wherein the recovery management terminal can be set to automatically delete the hierarchical memory structure when the available memory is used and characterized in that the hierarchical memory structure can be set to delete certain selected types of the items. Helferich teaches, "paging devices automatically delete the oldest read message in order to make room in memory for a newly received message." Column 8, Line 54). In Helferich's invention, the device automatically deletes only messages.

Claim 11 is in the same context as claim 4; therefore it is rejected under similar rationale.

Claim 12 is in the same context as claim 5; therefore it is rejected under similar rationale.

Claim 13 is in the same context as claim 6; therefore it is rejected under similar rationale.

In regards to claim 15, Windows NT teaches all the limitations of claim 8. It does not teach a recovery management terminal for handling deleted items in a communication unit characterized in that said deleted items can be automatically deleted from one memory structure and relocated into the hierarchical memory structure of said recovery management terminal, when the allocated memory of said memory structure is used. Helferich teaches, "The present invention provides a system for deleting messages when memory is full but the deleted or over written messages may be again received and stored by the mobile telephone 10 as will be described hereinafter." Column 8, Line 59).

In regards to claim 20, Windows NT teaches all the limitations of claim 16. It does not teach a method for handling deleted items, wherein said recovery management terminal can be set to automatically empty said memory structure at certain intervals or when the allocated memory is used according to any of the following options: the oldest item is deleted first from said memory structure, the oldest message is deleted first from said memory structure, the oldest ringing tone is deleted first from said memory structure, the oldest calendar entry is deleted first from said memory

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structure or, any other specified type is deleted first of deleted items from the said memory structure. Helferich teaches, "paging devices automatically delete the oldest read message in order to make room in memory for a newly received message." Column 8, Line 54).

### ***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (703) 305-8774. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100